

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**
Adopted April 23, 2007

*An audio recording of this meeting is available at the LAFCO office. Please contact us
at (831) 754-5838 to arrange a time to listen or to order a copy.*

Regular Meeting

Monday, March 26, 2007, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Commissioner Calcagno at 4:02 p.m. in the Monterey County Board of Supervisors Chambers. Commissioner Smith led the Pledge of Allegiance.

ROLL CALL

Members Present

Chair Tom Perkins, *(Special District Member)*
Commissioner Rubio, Vice-Chair, *(City Member)*
Commissioner Calcagno, *(County Member)*
Commissioner Donohue, *(City Member)*
Commissioner Darington, Alternate *(Public Member)*
Commissioner DiMaggio *(Public Member)*
Commissioner Gourley, Alternate *(City Member)*
Commissioner McGowan *(Special District Member)*
Commissioner Potter, Interim for Commissioner Smith *(County Member)*
Commissioner Shirrel, Alternate *(Special District Member)*

Members Not Present, Presence Not Required

Commissioner Armenta, Alternate *(County Member)*

Members Not Present

None

Staff Present

Kate McKenna, AICP, Executive Officer
Thomas A. McCue, AICP, Senior Analyst
Elliot Mulberg, Senior Analyst
Efren Iglesia, LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Item 4: Minutes

4.a Approval of Minutes of the February 26, 2007 Special LAFCO Meeting.

Upon Motion of Commissioner McGowan, seconded by Commissioner Perkins, minutes of the February 26, 2007 regular LAFCO meeting, were approved by the following vote:

AYES: Commissioners McGowan, Perkins, Calcagno, DiMaggio, Donohue, and Rubio

NOES: None

ABSTAIN: Commissioner Potter

Item 5: Public Comment:

Deanna Sessums of the Mayors' Association read a letter into the record regarding the proposed Memorandum of Understanding for Sphere of Influence changes and annexations.

Item 6: Commissioner Comment:

None

Item 7 (a-b): Consent Agenda:

Executive Officer McKenna provided staff report.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Rubio, consent agenda items: Accept Check Registers for February 2007, and Accept Legislation Report, were unanimously approved.

Item 8: Public Hearing

8.a Continued Consideration of a Proposal Submitted by the City Of Greenfield to Increase the City's Sphere of Influence by Approximately 1,139 Acres. The Existing City Contains Approximately 1,126 Acres and the Existing Sphere of Influence Outside the City Limits is Approximately 271 Acres. The Sphere of Influence Update Would Expand the Area as far North As Thorne Avenue and the Proposed Yanks Air Museum, as far South as Espinosa Road, as far East As 2nd Street, and as far West as 400 Feet West Of 13th Street (*LAFCO File No. 06-10*).

Executive Officer McKenna provided staff report.

Vice-Chair Rubio opened this item to the Commission and then to the floor.

Public Comment

The following people, in alphabetical order, provided public comment on this item:

Name
Manuel Amaral, representing property owner Silva-Amaral properties
Brian Finegan, Attorney representing property owner Franscioni-Griva and J.Lohr
John Huerta, Mayor, City of Greenfield
Christine Kemp, Representing Amaral Property
Jerry Lohr, J. Lohr Vineyards
Mike Novo, Monterey County Planning
Richard Ortiz, Mayor, City of Soledad
Robert VanNort, Interim City Manager, City of Greenfield
April Wooden, Community Development Director, City of Greenfield

Vice-Chair Rubio closed item to the floor.

Commission Comment and Action

1. Upon Motion of Commissioner Donohue, seconded by Commissioner Rubio, Comprehensive Sphere of Influence Update Submitted by the City Of Greenfield (*LAFCO File #06-10*) with amendment to resolution (as shown in Exhibit B) to allow inclusion of the “South of Yanks Air Museum” area, failed by the following vote:

AYES: Commissioners Donohue and Rubio
 NOES: Commissioners Calcagno, DiMaggio, McGowan, Perkins, and Potter
 ABSTAIN: None

2 and 3. Upon Motion of Commissioner Donohue, seconded by Commissioner McGowan, Comprehensive Sphere of Influence Update Submitted by the City of Greenfield (*LAFCO File #06-10*) a.) as recommended by staff in Exhibit A of the Staff Report – Resolution Making Determinations and Partially Approving a Comprehensive Amendment to Update the Sphere of Influence of the City of Greenfield; b.) with additional wording contained in a sheet entitled “Amendment to Resolution Contained Within Exhibit A of the March 26, 2007 Executive Officer’s Report Approving the Sphere of Influence of the City of Greenfield” and “Revised Language” which had been negotiated with City of Greenfield staff; and c.) with amendment made by Motion of Commissioner Calcagno seconded by Commissioner McGowan and unanimously approved, to adjust boundary lines to exclude property North of Cypress West of Highway 101, by the following vote:

AYES: Commissioners Donohue, McGowan, Calcagno, and Rubio
 NOES: Commissioners DiMaggio, Perkins, and Potter
 ABSTAIN: None

Prior to making the motion to amend the motion made by Commissioner Donohue and before voting on the final motion, Commissioner Calcagno provided comments and direction to the City to provide, within 30 days, the agreement called for in the conditions of approval. This direction was not part of the final motion, but City representatives agreed to bring the agreement back in 30 days.

Vice-Chair Rubio called a 5-minute break.

Following the break, Commissioner McGowan made a motion for reconsideration of the Greenfield Sphere of Influence. She explained that, if the Commission votes to reconsider, she would further amend the motion to have the agreement be brought back to the Commission within 60 days. Commissioner Calcagno seconded the motion.

Following Commission discussion and request for comments from the floor on the item of reconsideration, Vice-Chair Rubio asked for a vote on the reconsideration.

Upon Motion of Commissioner McGowan, seconded by Commissioner Calcagno, Reconsideration of the Motion was denied, by the following vote:

AYES: Commissioners McGowan, Calcagno, and Potter
NOES: Commissioners DiMaggio, Donohue, Perkins, and Rubio
ABSTAIN: None

Vice-Chair Rubio moved to the next item on the Agenda.

8.b Consider Proposed Fiscal Year 2007-08 LAFCO Budget and Work Program.

Executive Officer McKenna presented request by the City of Monterey to consider continuance of this item. She explained that continuance of this item to the next regularly scheduled meeting will not interfere with legal guidelines.

There was no public comment for this item.

Upon Motion of Commissioner Potter, seconded by Commissioner Calcagno, Proposed Fiscal Year 2007-08 LAFCO Budget and Work Program, was unanimously continued to the next regular LAFCO meeting to be held on Monday, April 23, 2007.

Commissioner Perkins left the meeting.

Item 9: New Business

Upon motion of Vice-Chair Rubio, there being no objection, Agenda Item 9.b - Consider Final Audit for Fiscal Year 2005-06, was moved to item 9.a on the Agenda

9.a Consider Final Audit for Fiscal Year 2005-06.

Paul Nowinski of Kasavan and Pope provided brief verbal presentation of the Final Independent Audit Report for year ended June 30, 2006.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Donohue, seconded by Commissioner Potter, Final Independent Audit Report for year ending June 30, 2006, was unanimously accepted.

9.b Consider Commissioner Request to Prepare a Memorandum of Understanding Policy.

Executive Officer McKenna provided report.

Vice-Chair Rubio opened this item to the Commission and then to the floor.

Public Comment

The following people, in alphabetical order, provided public comment on this item:

Name
Noelia Chapa, City Manager, City of Soledad
Brian Finegan, Attorney
Rene Mendez, City Manager, City of Gonzales
David Mora, City Manager, City of Salinas
Richard Ortiz, Mayor, City of Soledad
Vanessa Vallarta, City Attorney, City of Salinas
April Wooden, Community Development Director, City of Greenfield

Vice-Chair Rubio closed public comment for this item.

Commission Comment and Action

Commission discussed Commissioner request to prepare a Memorandum of Understanding Policy.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Potter, staff was directed to come back with Draft Memorandum of Understanding Policy for preliminary Commission discussion and action within the next 60 days. Action will be to decide whether or not the Draft Memorandum of Understanding Policy should be publicly noticed as a public hearing item on a future agenda or to circulate and discuss the Draft Memorandum of Understanding Policy, by the following vote:

AYES: Commissioners Calcagno, Potter, Shirrel, and McGowan
NOES: Commissioners DiMaggio, Donohue, and Rubio
ABSTAIN: None

Commission provided direction to Executive Officer McKenna to send letter to Mayors' Association informing them LAFCO is moving forward with Draft Memorandum of Understanding Policy, and that they will have an opportunity for input and discussion on the process.

10: Executive Officers Report

No additional items to report.

Item 11: Correspondence

- a. Various Correspondences Relating to the Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*).

The above items were included in the meeting packet.

Vice-Chair Rubio called the meeting into closed session.

Item 12: Closed Session

Under Government Code Section 54950 et.seq.

- a. **Pursuant to Government Code Section 54956.9 (b) – Potential Litigation
The Commission will Confer with Legal Counsel Regarding One Item of
Significant Exposure to Litigation:
Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*)**
- b. **Pursuant to Government Code Section 54956.9 (a) – Existing Litigation
The Commission will Confer with Legal Counsel Regarding the Following Item:
William Sims, Mark Splinder, Sharon Waller, and Valley Volunteers, Inc.
(Petitioners) VS. Monterey County Local Agency Formation Commission also
known as LAFCO of Monterey County (Respondent) – Superior Court Case
Number M79069**

The meeting was reopened from Closed Session with no reportable action.

Item 13: Adjournment

On motion of Vice-Chair Rubio, there being no objection, the meeting was adjourned at 8:05 p.m. to the next regular LAFCO meeting to be held on Monday, April 23, 2007 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk